



Legislation Text

File #: 070463, Version: 1

070463
SUBSTITUTE 1

THE CHAIR

Resolution to approve settlement agreement in the matter of *Steven J. Alexander, et al v. City of Milwaukee, et al*, United States District Court Case Number 03-C-611.

This resolution authorizes settlement of litigation pending in the United States District Court for the Eastern District of Wisconsin, *Steven J. Alexander, et al v. City of Milwaukee, et al*, Case Number 03-C-611, and all related claims by the plaintiffs in that action in the amount of 2.65 million (\$2,650,000) for all damages of any nature, including compensatory and punitive damages, back pay, front pay, pension loss or other economic damages, attorneys fees and costs, and any other claim for damages that could be brought concerning the subject matter of the litigation.

Whereas, Steven J. Alexander, Keith A. Balash, Charles A. Berard, Michael R. Brunow, James C. Cleveland, Joseph J. Farina, John Malloy Hagen, William E. Heinen, Wayne W. Jensen, Thomas P. Klusman, Edward N. Liebrecht, Ronald G. Quackenbush, Anthony T. Smith, Steven J. Spingola, Kim R. Stack, David C. Vahl and Michael D. Young (hereinafter referred to as "Plaintiffs"), filed the above captioned lawsuit claiming discrimination based upon race and gender in connection with their failure to be promoted to the rank of Captain of Police, and other claims in violation of the Fourteenth Amendment to the United States Constitution, and Title VII of the Civil Rights Act of 1964, as amended; and

Whereas, Judgment was entered in Plaintiffs' favor on August 29, 2005; and

Whereas, The Seventh Circuit Court of Appeals affirmed in part, and reversed and remanded in part the judgment for further proceedings consistent with its opinion on January 18, 2007; and

Whereas, The parties have agreed to settle this lawsuit in the amount of 2.65 million (\$2,650,000) dollars, for all damages, wage loss, front pay, pension loss or other benefits, attorney fees, costs, compensatory damages, punitive damages and any other claims for damages of any nature that could have been brought, as set forth in the attached proposed Settlement Agreement and General Release; and

Whereas, The City Attorney recommends and the Common Council of the City of Milwaukee deems it is expeditious and just to settle this lawsuit; now, therefore be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney be and hereby is authorized to execute the attached Settlement Agreement; and be it

Further Resolved, That upon execution of all of the general releases by all of the plaintiffs, as approved by the City Attorney, the proper City officers be and hereby are authorized and directed to issue City checks as follows: to Rettko Law Offices, S.C. as attorneys fees and costs, the sum of \$883,333.31; to the following Plaintiffs in checks made payable to them individually: Steven J.

Alexander: \$103,921.57; John Malloy Hagen: \$103,921.57; Joseph J. Farina: \$103,921.57; Wayne W. Jensen: \$103,921.57; James C. Cleveland: \$103,921.57; Ronald G. Quackenbush: \$103,921.57; Michael R. Brunow: \$7,657.57; Thomas P. Klusman: \$20,641.57; Edward N. Liebrecht: \$31,653.57; Anthony T. Smith: \$25,700.57; Kim R. Stack: \$19,371.57; David C. Vahl: \$29,000.01; Michael D. Young: \$13,465.57; and, to Allstate International Assignments, Ltd., the total sum of \$995,646.84, which sum consists of the funds for the benefit of the following plaintiffs: Keith A. Balash, Charles A. Berard, Michael R. Brunow, William E. Heinen, Thomas P. Klusman, Edward N. Liebrecht, Anthony T. Smith, Steven J. Spingola, Kim R. Stack, David C. Vahl and Michael D. Young; and be it

Further Resolved, That these funds shall be charged to the Damages and Claims Fund, Account No. 0001 1490 636506 2631 S118.

City Attorney

MRH:

July 17, 2007

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